

REMARKS/ARGUMENTS

The Examiner has rejected all the claims in the application as being obvious contrary to 35 U.S.C. 103(a). The independent claims of the application are found at claims 1, 7, 13, and 20.

Specifically, with respect to these independent claims, the Examiner argues that most of the elements of those claims are found in one of either (i) Maxim (US-4,547,169), (ii) Maddocks (GB-2230200) or (iii) Wolf (US-3,490,170). The Examiner admits that the only element missing from these references is the response being dependent on the order in which each of the probe pairs are activated. In each case, the Examiner has cited Maxim (US-4,476,648) as having this missing element and forming the basis of his obviousness rejection. Applicant respectfully disagrees with the Examiner and has amended the claims to more clearly describe the invention.

As amended, each of independent claims 1, 7, 13, and 20 contain the following wording:

wherein each of said probe pairs is activated when bridged by a conductive liquid thus forming a closed circuit, said control unit registers activation of said probe pairs and said control unit is designed to actuate at least one pre-determined response, said response being dependent on the ~~order~~ sequence in which ~~each~~ at least two of said probe pairs ~~is~~ are activated.

This wording, when read with regards to the description by a person skilled in the art, requires that it is the order, or sequence, of activation of probe *pairs* on which the response is dependent. Activation is recited to occur when a probe pair is bridged by a conductive liquid thus forming a closed circuit. One probe pair therefore forms one closed circuit. A response that is dependent on a sequence or order in which probe pairs are activated must therefore involve at least two probe pairs. Maxim ('648) discloses only one probe pair, comprised of terminal 62a of contact leaf 62 and terminal 64a of contact leaf 64, forming one closed circuit. Therefore, the "order" to which the Examiner refers is at best the ordering of two halves of one probe pair and not the sequence of activation of successive probe pairs. Therefore, Maxim ('648) does not disclose multiple

probe pairs and a control unit that actuates a response a response that is dependent on the **sequence** in which the probe *pairs* are activated.

A device having a control unit that registers the sequence of activation of probe pairs (each forming a closed circuit when bridged by a conductive liquid), and subsequently actuates different responses depending on this sequence of activation has certain advantages that cannot be said to be present in the references cited by the Examiner. For example, as disclosed in the description, different responses can be actuated depending on the direction of the flow of the conductive liquid. Direction of flow will affect which probe pairs are activated and in what sequence.

Applicant therefore respectfully submits that independent claims 1, 7, 13 and 20, amended to more clearly define the invention, are neither taught nor suggested by the cited references. The Examiner's rejections regarding the remaining claims are considered overcome as they depend on allowable claims.

In light of the foregoing amendments and submissions, withdrawal of the Examiner's objections and allowance of the application are respectfully requested.

Respectfully submitted,

OGILVY RENAULT

By 

Joseph P. Conneely
Registration No. 54,883
Telephone: (416) 340-6193
Fax: (416) 977-5239

Date: August 13, 2004

OGILVY RENAULT
1981 McGill College Avenue
Suite 1600 Montreal, Quebec, Canada
H3A 2Y3